

**THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE:	:	Chapter 11
	:	
GLOBAL POWER EQUIPMENT GROUP,	:	Case No. 06-11045 (BLS)
INC, <u>et al.</u> ,	:	
	:	Jointly Administered
Reorganized Debtors.	:	
	:	Related Docket No. 2393

**DESIGNATION OF RECORD AND STATEMENT OF ISSUES PRESENTED ON  
APPEAL BY MAASVLAKTE ENERGIE BV FROM THE DECISION AND ORDER  
ENTERED ON FEBRUARY 14, 2008**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, Maasvlakte Energie BV ("Maasvlakte") hereby designates the record and issues presented on appeal to the United States District Court for the District of Delaware from the Decision [Docket No. 2372] and Order [Docket No. 2374] (collectively, the Decision and Order shall be referred to hereinafter as the "Order") entered by United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court") on February 14, 2008 overruling the *Limited Objection of Maasvlakte Energie BV to the First Amended Joint Chapter 11 Plan of Reorganization for Global Power Equipment Group Inc. and its Affiliated Debtors* (the "Plan Objection") [Docket No. 2191] in connection with the *First Amended Joint Chapter 11 Plan of Reorganization for Global Power Equipment Group Inc. and its Affiliated Debtors* (the "Plan") [Docket No. 1911].

**I. Statement Of Issues Presented On Appeal**

1. Whether the Bankruptcy Court erred in its legal interpretation of the Completion Agreement entered into between Maasvlakte and Deltak, L.L.C. ("Deltak") in holding that the Completion Agreement limits the amount of Maasvlakte's claims against the two subject debtors (the "Maasvlakte Claims") rather than expressly limiting the value of distributions upon the Maasvlakte Claims in Euros as set forth in the Completion Agreement.

2. Whether the Bankruptcy Court erred in holding that, notwithstanding the

express language of the Completion Agreement, section 502(b) of the Bankruptcy Code requires that the Euro-denominated distribution values agreed to by the parties, postpetition, must be recharacterized as meaning United States currency, converted as of the Petition Date.

## **II. Designation Of Items To Be Included In The Record On Appeal<sup>1</sup>**

<u>Bankruptcy Court Docket No.</u>	<u>Entry Date</u>	<u>Description</u>
12	9/29/06	Debtors' Motion Pursuant to 11 U.S.C. §§ 105, 363 and 365 for an Order Authorizing Debtors to (I) Wind Down Operations of the Heat Recovery Steam Generation Business Segment Operated by the Deltak Debtors, (II) Reject Certain Executory Contracts in Connection Therewith, and (III) Implement Procedures for the Orderly Completion of Work in Progress
64	10/2/06	Order Granting in Part Debtors' Motion Pursuant to 11 U.S.C. §§ 105, 363 and 365 for an Order Authorizing Debtors to (I) Wind Down Operations of the Heat Recovery Steam Generation Business Segment Operated by the Deltak Debtors, (II) Reject Certain Executory Contracts in Connection Therewith, and (III) Implement Procedures for the Orderly Completion of Work in Progress
85	10/5/06	Corrected Order Granting in Part Debtors' Motion Pursuant to 11 U.S.C. §§ 105, 363 and 365 for an Order Authorizing Debtors to (I) Wind Down Operations of the Heat Recovery Steam Generation Business Segment Operated by the Deltak Debtors, (II) Reject Certain Executory Contracts in Connection Therewith, and (III) Implement Procedures for the Orderly Completion of Work in Progress
195	10/26/06	Amended Order Granting in Part Debtors' Motion Pursuant to 11 U.S.C. §§ 105, 363 and 365 for an Order Authorizing Debtors to (I) Wind Down Operations of the Heat Recovery Steam

<sup>1</sup> Each designated item shall also include any exhibits to such item.

		Generation Business Segment Operated by the Deltak Debtors, (II) Reject Certain Executory Contracts in Connection Therewith, and (III) Implement Procedures for the Orderly Completion of Work in Progress
599	12/29/06	Order Approving Rejection of Maasvlakte Energie BV HRSG Contract
1575	8/29/07	Debtors' Objection to Proofs of Claim Nos. 1093 & 1094 Filed by Maasvlakte Energie B.V.
1911	10/31/07	First Amended Joint Chapter 11 Plan of Reorganization for Global Power Equipment Group Inc. and its Affiliated Debtors
2166	12/12/07	Debtors' Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 Approving Settlement Agreement by and between the Debtors and Maasvlakte Energie BV
2191	12/14/07	Limited Objection of Maasvlakte Energie BV to the First Amended Joint Chapter 11 Plan of Reorganization for Global Power Equipment Group Inc. and its Affiliated Debtors
2213	12/19/07	Debtors' Memorandum of Law in (A) Support of Confirmation of First Amended Joint Chapter 11 Plan of Reorganization for Global Power Equipment Group Inc. and its Affiliated Debtors and (B) Response to Certain Objections Thereto
2271	1/8/08	Transcript of Hearing Before United States Bankruptcy Court for the District of Delaware Judge Brendan L. Shannon on December 20, 2007
2324	1/22/08	Notice of Exhibits (including Completion Agreement dated 12-22-06, Proof of Claims 1093 and 1094)
TBD		Transcript of Hearing Before United States Bankruptcy Court for the District of Delaware Judge Brendan L. Shannon on January 23, 2008
2372	2/14/08	Decision entered by United States Bankruptcy Court for the District of Delaware Judge Brendan L. Shannon on February 14, 2008 overruling the Limited Objection of Maasvlakte Energie BV to the

		First Amended Joint Chapter 11 Plan of Reorganization for Global Power Equipment Group Inc. and its Affiliated Debtors
2374	2/14/08	Order entered by United States Bankruptcy Court for the District of Delaware Judge Brendan L. Shannon on February 14, 2008 overruling the Limited Objection of Maasvlakte Energie BV to the First Amended Joint Chapter 11 Plan of Reorganization for Global Power Equipment Group Inc. and its Affiliated Debtors
2393	2/25/08	Notice of Appeal

Dated: Wilmington, Delaware  
March \_\_\_\_, 2008

Respectfully submitted,

**MAASVLAKTE ENERGIE BV**

By: /s/ Steven K. Kortanek

Steven K. Kortanek (Del. Bar No. 3106)  
Womble Carlyle Sandridge & Rice, PLLC  
222 Delaware Avenue, Suite 1501  
Wilmington, DE 19801  
Tel: 302-252-4363  
Fax: 302-661-7728  
[skortanek@wcsr.com](mailto:skortanek@wcsr.com)

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Todd D. Ross  
Womble Carlyle Sandridge & Rice, PLLC  
1401 Eye Street, NW  
Seventh Floor  
Washington, DC 20005  
Telephone: (202) 857-4496  
Fax: (202) 261-0090  
[toross@wcsr.com](mailto:toross@wcsr.com)

*Counsel for Maasvlakte Energie BV*